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Attorneys For The Plaintiff

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RICHARD PRESS, : 1:08-CV-09497-PKC

Plaintiff, :

vs. :

**AFFIDAVIT OF PLAINTIFF RICHARD  
PRESS IN SUPPORT OF PLAINTIFF'S  
APPLICATION FOR DEFAULT JUDGMENT**

CONCORD MORTGAGE CORP., GLOBAL :  
HOME LOANS & FINANCE, INC., :  
LEXCAP FUNDING CORP., SAFE HARBOR :  
CAPITAL FUNDING, GLOBAL/GIRIMONTI :  
LLC, AND DARON GIRIMONTI, :

Defendants. :

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STATE OF NEW YORK )  
: ss.:  
COUNTY OF NEW YORK )

Richard Press, being duly sworn, deposes and says:

1. I am the Plaintiff in this matter. I make this  
Affidavit in support of Plaintiff's motion for default judgment.  
Defendants are individually and collectively referred to herein  
as "Defendants."

2. I incorporate the allegations of the Complaint  
("Compl.") herein by reference.

3. In connection with my employment with Defendants, Defendants agreed to pay me wages of \$130,000 per year.

4. On or about October 29, 2006, Defendant Daron Girimonti issued a signed letter on Concord letterhead ("2006 Letter"), a copy of which is attached hereto as Exhibit A, stating in part:

Richard Press has been employed as the Branch CIO and a Senior Mortgage and Financial Services Consultant by us for approximately three years and has performed with excellence throughout. He earns an average of \$130,000.00....

5. Defendants unlawfully failed to pay me such wages.

6. In 2004, Defendants paid me approximately \$24,500. Accordingly, for 2004, I suffered damages for lost wages of approximately \$105,500.

7. In 2005, Defendants paid me approximately \$30,516. Accordingly, for 2005, I suffered damages for lost wages of approximately \$99,484.

8. In 2006, Defendants paid me approximately \$21,350. Accordingly, for 2006, I suffered damages for lost wages of approximately \$108,650.

9. In 2007, Defendants paid me approximately \$8,000 through the end of April 2007. Accordingly, for the period January-April 2007, I suffered damages for lost wages of approximately \$35,333.33.

10. Accordingly, as part of the Default Judgment, I seek the amount of \$348,967.33 representing lost wages through the end of April 2007, when my employment was unlawfully terminated.

11. I have suffered additional damages in the form of lost wages subsequent to the termination of my employment in 2007.

12. Since the date of my termination, I have made a reasonable effort to mitigate my damages and find other employment, but have been unsuccessful. Therefore, I have been unemployed since the termination of my employment in April 2007.

13. From the date of my termination (late April 2007) through the end of August 2009, I suffered damages in the form of lost wages as follows:

May 2007-December 2007 (8 months):	\$86,666.64
2008:	\$130,000
2009 (8 months to August 31, 2009):	\$86,666.64

14. The total of these amounts is \$303,333.28. Accordingly, as part of the Default Judgment, I seek the amount of \$303,333.28 representing lost wages from the date my employment was terminated through the end of August 2009.

15. I am 65 years old, born on January 17, 1944. I had planned to work until at least age 70. Accordingly, as part of the Default Judgment, I seek the amount of \$650,000 representing five years' of lost front pay through age 70.

16. During my employment with Defendants, I received certain benefits, including among other items, health insurance, which I estimate had a value of about \$1,000 per month. From the termination of my employment through August 2009, I estimate the lost benefits to have a value of about \$22,000. An additional five years' of such benefits would have a value of about \$60,000. Thus, I seek the amount of \$82,000 representing lost benefits.

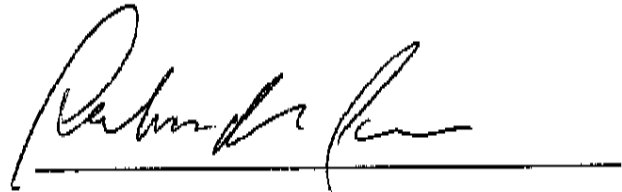
17. I have suffered at least \$5,000 in damages based on Defendants' unlawful conversion of my personal property.

18. The total of the damages listed above is \$1,389,300.61.

19. I have suffered substantial emotional distress and request an award for such damages in an amount equal to the award of actual damages. I also request an award of punitive damages in an amount equal to the award of lost wages.

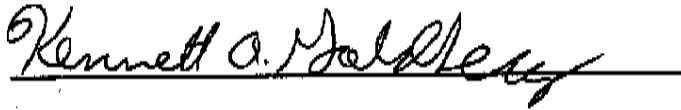
20. I request an award of damages and a judgment against Concord Mortgage Corp., Global Home Loans & Finance, Inc., Lexcap Funding Corp., Safe Harbor Capital Funding, Global/Girimonti LLC, in the liquidated amount of \$1,389,300.61, as well as all additional applicable statutory damages and other relief. It is my understanding that such additional applicable damages and other relief are described in Plaintiff's Proposed Findings Of Fact And Conclusions Of Law and I refer the Court to same.

21. My attorneys will be submitting a separate request for an award of attorneys' fees and costs in this matter.



Richard Press

Sworn to before me this 14th day  
of August 2009



Notary Public

KENNETH A. GOLDBERG  
Notary Public, State of New York  
No: 02GO5061677  
Qualified in New York County  
Commission Expires ~~June 10, 2009~~

July 27, 2010

**EXHIBIT A**



October 29, 2006

To Whom It May Concern:

Richard Press has been employed as the Branch CIO and a Senior Mortgage and Financial Services Consultant by us for approximately three years and has performed with excellence throughout.

He earns an average of \$130,000.00 and in addition to his sales activity, he designed, built, and administers our large, complex IT system. We have an uptime percentage of approximately 99.5% over the past three years with the system under his control.

His continuance of employment is excellent. His attendance record is also worthy of commendation.

Thanks for taking care of Richard, and thank you for your courtesies.

Sincerely,

A handwritten signature in black ink, appearing to read "Daron Girimonti".

Daron Girimonti  
General Manager